

RECEIVEDAPR 14 2008 *new*IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOISMICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

ERIC WARE (R-32516),

V.

PLAINTIFF

GUY PIERCE-DEPUTY DIRECTOR,
NEDRA CHANDER-WARDEN,
NEAL-LAW LIBRARIAN, and
ROGER E. WALKER, Jr.,

DEFENDANTS

08C50064**JUDGE KAPALA**COMPLAINT

Plaintiff Eric Ware, for his complaint, states as follows:

PARTIES

1. Plaintiff Eric Ware is a prisoner in the custody of the Illinois Department of Corrections and currently resides at the Dixon Correctional Center in Dixon, IL. At all times relevant to this action, he resided at the Dixon Correctional Center.
2. Defendant Guy Pierce is the Deputy Director of the Dixon Correctional center. He is being sued in his official capacity for Injunctive Relief and in his individual capacity for damages.
3. Defendant Nedra Chandler is being sued in her official capacity for Injunctive Relief and in her individual capacity for damages. She is the Warden at the Dixon Correctional Center.
4. Defendant Neal is the Law Librarian at the Dixon Correctional center. She is being sued in her official capacity for Injunctive Relief and in her Individual capacity for damages.
5. Defendant Roger E. Walker, Jr., is the Director of the Illinois Department of Corrections. He is being sued in his official capacity for Injunctive Relief and in his individual capacity for damages.

JURISDICTION AND VENUE

6. This action arises under 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights, privileges and immunities secured by the Constitution of the United States. The rights sought to be redressed are guaranteed by the First and Fourteenth Amendment to the United States Constitution. The Court has Federal question jurisdiction over this controversy under 28 U.S.C. §§ 1331, 1343, and 1367.

7. Venue is proper in the Northern District of Illinois under 28 U.S.C. § 1391. The acts complained of occurred there, Plaintiff was incarcerated there at the time of the acts complained of, and all Defendants work and/or conduct business there.

STATEMENT OF FACTS

8. The Plaintiff has at least 15 civil actions pending in several different courts, including one criminal case. He is a pro-se litigant on all of them except for one.

9. The Defendants have a policy that precludes the Plaintiff from receiving case law copies from law books unless he is financially equipped to pay for copies. Offenders who can afford to pay for copies are allowed to copy pages from law books.

10. The Defendants will allow the Plaintiff to copy Motions and other pleadings and deduct the funds from his account later in order to pay for the copies which he has requested.

11. The Plaintiff is only allowed a few hours a week in the Law library, and due to him having several cases, its impractical for him to sit in the Law Library in a short period of time and read several cases and attend to other pleadings that he has filed in the courts.

12. The policy of the Defendant is a grave intricate which induces other inmates to tear pages out of the Law books because they do not have income on their books and have been refused copies by the Defendants.

13. The policy of Defendants not allowing him to copy case law out of books interferes with him properly bringing his claims to the courts. The Plaintiff has recently filed motions to other courts requesting them to postpone hearings and allow him extensions of time because he cannot receive copies of case law from law books.

14. The Plaintiff has an April 10th, 2008 court date and will not be able to properly defend himself because he--does not have proper access to case law from law books in his institutional law library.

15 The Defendants mandate that the only exhibits that need copying are ones that they deem proper for court and none of the Defendants are lawyers or certified paralegals.

16. The Defendants have threatened to confiscate Plaintiff's legal property, because it has a depiction of other offender's names on the pleadings, that have been filed with the courts and are public information.

17. The said property in #16 are pleadings that allows Plaintiff to effectuate his claims in the courts, and are court opinions which are tantamount to case law.

18. If the Defendants continue to use and enforce their policies undersigned, the Plaintiff may lose or have many of his cases dismissed by the courts and will be subjected to paying fess, charges and extra cost.

19 The Plaintiff cannot receive mailing envelopes unless he can prove that he is indigent which is an obligation of the Dixon Correctional Center, and if he later receives envelopes, the cost will be restricted later when or if he receives funds. If the Plaintiff cannot receive legal mailing envelopes in a timely manner, he may be subject to missing court deadlines and have cases dismissed.

CAUSES OF ACTION

20. Plaintiff incorporates paragraphs 1-19 as if set forth in full.

21. By consciously subjecting Plaintiff to inadequate legal services at his place of confinement as described herein, Defendants have violated and will continue to violate, Plaintiff's rights under the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983.

RELIEF REQUESTED

THEREFORE, Plaintiff Eric Ware prays for judgment and relief including:

(A) Judgment that Defendant have violated and will continue to violate, Plaintiff's rights under the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983.

(B) A preliminary and Permanent injunction directing Defendants to provide Plaintiff with legally required access to the courts and services, including copies from law books and general protection of property standards.

(C) Damages in the amount of \$100,000 from each defendant; and punitive Damages in the amount of \$100,000 against each Defendant.


(D) That Defendants pay for the cost of the litigation and any other such relief as this court deem just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

DATE: 4/13/08

RESPECTFULLY SUBMITTED,

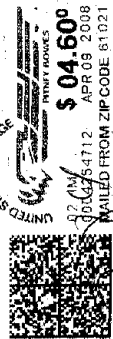

ERIC WARE R-32516
DIXON Corr. Ctr.
2600 N. Brinton Ave
DIXON, IL. 61021

6. Defendant, NEAL, told me that I could read the case law while attending the law library. There is not enough time for me to read and write down an entire case, e.g., in my attached Motion for a Preliminary Injunction, I cited several cases and the only way I was able to adequately quote keys, was because I have copies of the said cases and if I had to remember everything that I have read, It is highly impractical that I would remember multiple cases and my claims may be lost forever.

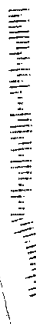
7. Everything in my complaint is accurate and true to the best of my ability, and all attached documents are authentic.

UNDER THE PENALTIES OF PERJURY,
28 U.S.C. EVERYTHING IS TRUE
AND CORRECT TO THE BEST OF MY
ABILITY:

Eric Lore
3/13/08



This Correspondence Is From
An Inmate Of The Illinois
Dept Of Corrections



Legal
DIXON Corr. Ctr.
2600 N. Brenton AVE
DIXON, IL 61021

08-50064

JUDGE KAPALA

08C50064

Legal Mail

United States District Court
214 South Dearborn
Chicago, Illinois 60604

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MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT